

Initiative and Referendum Greatest of Governmental Reforms

The idea of representative government is an old one, the natural outgrowth of an enlarged democracy; but the line that separates the man who is at heart an aristocrat from the man who is at heart a democrat—a line that runs through society everywhere and always—separates the advocates of representative government into two classes.

Those who belong to the aristocratic class regard the masses as really incapable of self-government, except to the extent of selecting superior men to do their thinking for them.

Those who are at heart democratic believe that the people not only have the right to govern themselves, but have capacity for self-government as well, and, therefore, regard the representative not as an unalloyed good, but as a necessary evil. The democrat believes there is more virtue in the people than finds expression in their representatives; they would, if it were possible, have all questions decided by the people themselves. This being impossible, the representative is, according to the democratic views, chosen, not to think for the people, but to act for them and to carry out the wishes of the people.

VAST DEAL OF DIFFERENCE

It makes a great deal of difference, not only to the public, but to the representative himself, which theory prevails—the aristocratic or the democratic. If the aristocratic theory is the one adopted, the wishes of the people are disregarded and their opinions despised.

The representative who holds the aristocratic view prides himself on being above the "clamor of the multitude" and is quite free with the use of the word demagogue.

He will tell you that he follows his conscience and is not willing to vote contrary to his conscience, no matter what his constituents think or demand—forgetting that his constituents have consciences also and have chosen him to give expression to their consciences and not merely to his own.

It may be remarked in passing that the conscience of the aristocrat usually hibernates during the campaign and only becomes active after his election is made sure, and then only when some predatory interest is seeking a special privilege to which the masses object.

The democrat—I use the word, of course, not in a partisan sense, but in the broader sense in which it has been used for more than two thousand years to describe the believer in popular government—is fully as conscientious as the aristocrat, but, believing that he is merely the trustee of others—the servant of sovereign people—he considers it his duty to give expression to the wishes of his constituents or resign and allow some one to speak for them who can conscientiously do so.

In other words, the democrat, instead of misrepresenting the people—as the aristocrat is proud to do—feels that he has no moral right to embezzle power and turn to his own advantage an official authority with which he had been entrusted by the people.

DEMOCRATIC IDEA GROWING

The democratic idea of representative government has been growing all over the world, and nowhere more than here. A few illustrations will suffice to establish this fact.

1. The members of the Electoral College were, in the beginning, chosen with a view to independent action. The theory was that they would be better able than the voters at large to weigh the relative merits of the various candidates and choose wisely between them. One man even selected the President of the United States when the election was thrown into the House of Representatives. That man was Henry Clay.

The choice was between John Quincy Adams and Andrew Jackson, the two leading candidates. The people preferred Jackson, but Henry Clay disliked that great democrat and used his weighty influence in congress to turn against Jackson votes of representatives from states which had supported Jackson in the popular election. Adams thus secured the presidency.

But the issue thus drawn was finally decided

in favor of democracy, as it has always been in this country, and Andrew Jackson was elected by the people not for one term but for two, after Adams's single term. A presidential elector is now chosen because he favors a certain candidate, and he would not dare to betray his trust after election by voting for the opposite candidate.

In the beginning of our political history the parties did not adopt platforms, but now for nearly 100 years each party has committed its candidate to a declaration of principles, and these declarations are becoming more and more specific. The late Colonel Roosevelt made a telling indictment against what he called "weasel words"—words put into a platform to suck the meaning out of adjoining words.

A party platform cannot be justified on the aristocratic theory of representative government, because party declarations would sorely hamper an official who deemed it his duty to think for his people; they are welcome only to those who are democratic enough to desire to think with the people.

ANOTHER MILESTONE

3. The substitution of popular election of senators for election by legislatures is another milestone in the march toward more democratic methods. For 103 years after the adoption of our constitution the people tolerated the indirect method of electing senators without a protest that rose to the dignity of a congressional resolution, but in 1892 the national house of representatives cast a two-thirds vote in favor of the submission of an amendment providing for the direct election of United States senators.

It took twenty-one years from that time to secure the reform, the amendment being adopted in 1913. The resolution proposing the amendment passed the house six times before it passed the senate once, the reason being that the senate contained so many members who knew that they could not be elected by direct vote, and were, therefore, personally opposed to the change.

And, it may be added, that these senators had made the senate the bulwark of predatory wealth, and for nearly a generation had obstructed remedial legislation. The popular election of senators was the gateway to other reforms, and the senate, now as democratic as the house, has, since 1913, made a wonderful record as the champion of reform.

4. The substitution of the primary for the boss-controlled convention is another step in advance. The voter is made secure in his right to control party nominations and to determine party declarations.

5. Popular government won another victory when the appointment of the committees of the house of representatives was taken out of the hands of the speaker and deposited with a committee chosen by the party in congress and responsible to the party.

6. A still further advance was made when the senate reformed its rules so as to permit debate to be closed by a two-thirds vote. And it has another advance to make before its rules will harmonize with our theory of government—namely, the recognition of the right of a majority to force a vote after a reasonable opportunity for discussion.

PUBLIC THOUGHT IRRESISTIBLE

The above are illustrations of the irresistible trend of public thought toward more and more popular methods of government, but none of these compare in importance with the reforms known as the initiative and referendum. They are, in fact, two reforms, but are so often united in one demand that they are sometimes treated as if they constituted a single reform. I shall treat them as two, because they are entirely distinct one from the other and one is much more important than the other.

EXPLANATION OF INITIATIVE

The initiative is a term used to describe a governmental process by means of which a certain percentage of the people can, by signing a petition, bring a proposition before the voters of a given governmental unit and secure a vote upon it. When the proposition receives a majority of the votes cast it has the same legal

force that it would have if enacted by a legislative body. The initiative can be applied in a municipality, in a county, in a state or in the nation, and it can be used to secure constitutional changes as well as statutes or ordinances.

The idea is not a new one. It has long been employed in such matters as the location of county seats. It is the usual method of securing a vote on a county seat proposition, but its application to legislation and to constitutions is modern. We borrowed it from Switzerland, where it has rendered signal service in safeguarding the principles of popular government.

The referendum is a term which describes the process by which a given percentage of the voters can, by petition, secure a popular vote on an ordinance or statute before such measure goes into effect, a negative vote nullifying the proposed ordinance or statute. The referendum is better understood than the initiative. It has long been employed in the adoption of constitutional amendments.

Our federal constitution provides that amendments shall be submitted to the states for ratification, and nearly all of our state constitutions provide that amendments to such constitutions shall be submitted to the voters for ratification. For a considerable period it has been customary to require a referendum on bond issues, and more recently city ordinances have been made subject to referendum, and the referendum, thus used, has often saved the public from injustice at the hands of city councils corrupted by franchise-seeking corporations.

INITIATIVE MORE IMPORTANT

Of the two, the initiative is the more important, because it can do all the referendum can do and, besides this, can do what the referendum cannot do, namely, initiate legislation. The referendum cannot be invoked until after a legislative body has acted, and therefore it is powerless to compel reforms. The referendum can be used to protect the public from bad laws, but it cannot coerce the legislature into the enactment of good laws.

The initiative, on the other hand, enables the people to pass over the heads of legislators and secure what they want in spite of legislative inaction or opposition, and, as it can repeal, as well as enact, it has all the force and effect of a referendum, but moves more slowly. That is, a referendum can prevent a law going into effect, while the initiative can repeal it after it goes into effect.

I have merely stated the principles. It is not worth while to deal at length with the details, as they can safely be left to be decided by those who believe in the principles. The friends of these reforms incline to a small percentage requirement for the petitions, while the opponents usually endeavor to make the percentage as high as possible.

If, for instance, the advocates of the initiative and referendum want these processes invoked upon the petition of 10 per cent of the real voters, the opponents are likely to insist upon 20 or 30 or even 50 per cent. The final decision will be determined by the value which the deciding body places upon the reform and its confidence in the intelligence and patriotism of the people.

ONE DETAIL OF IMPORTANCE

There is one detail that is of very great importance, namely, the vote required for the adoption of the proposition submitted. The friends of the initiative and referendum insist upon the right of the majority voting on the proposition. The opponents of these reforms always demand that the affirmative vote shall constitute a majority, not of the votes cast on the proposition, but of all the votes cast at the election. The reason for this demand is obvious.

A great many voters fail to vote on all propositions submitted or even all the candidates. This is especially true when the ballot is long. It is not unusual for 10 or 15 per cent, or even more, of the voters to fail to vote on the whole ticket, and even a larger per cent may fail to vote on separate propositions. It is obviously unfair for the negative to have the benefit of votes not cast on the proposition.

To illustrate. If the total vote cast at an election is 200,000, the candidates for governor may altogether receive 190,000 and the candidates at the bottom of the ticket a total of 170,000, and 150,000 may vote on a constitutional amendment or a statute submitted by petition under the initiative. The vote on the amendment may be 76,000 for and 74,000 against, a majority of

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